# **Remarks**

## Claim Rejections - 35 U.S.C. § 101

The Examiner rejected claims 1-4 and 6-12 under 35 U.S.C. § 101 because the claims "have no connection to the technological arts." Pursuant to the Examiner's recommendation, the Applicant has amended independent claim 1 to specify or better clarify that the method includes one or more steps that utilize a medium or apparatus within the technological arts. Accordingly, the Applicants respectfully request that this rejection be withdrawn.

#### Claim Rejections - 35 U.S.C. § 112

The Examiner has rejected dependent claims 11, 12, 22 and 23 under 35 U.S.C. § 112 because they lack sufficient antecedent basis. Pursuant to the Examiner's recommendation, independent claims 1 and 13 from which the rejected claims depend have been amended to provide proper antecedent basis. Accordingly, the Applicants respectfully request that this rejection be withdrawn.

#### Claim Rejections - 35 U.S.C. 103

The Examiner has rejected independent claims 1 and 13 under 35 U.S.C. § 103(a) as being unpatentable over Kanter (5,537,314) in view of Elsman (6,029,102). The Applicant has amended these claims to recite an element of the Applicant's invention that is not taught or suggested by Kanter, Elsman, or any of the other prior art of record. More specifically, a step has been added to these claims requiring that the customer verifies that he or she continues to possess the automobile to avoid expiration of the customer information badge. If the customer fails to perform the verification before a pre-determined time interval, the customer information badge expires. While Gunn (5,503,434) discloses a conventional expiration date imprinted on the exterior of a credit card (e.g. Fig. 1), Gunn does not teach or suggest a badge having a variable expiration date dictated by a customer's verification that he or she continues to possess an automobile. Accordingly, the Applicant respectfully contends that these independent claims are in condition for allowance. The rejected dependent claims

Atty Dkt No. FMC 1329 PUS / 200-1462

S/N: 09/681,815

Reply to Office Action of October 12, 2004

are in condition for allowance at least because they depend from independent claims 1 or 13, as amended. (MPEP 2143.03.) Nonetheless, the Applicant does not concede the Examiner's rejection of the dependent claims.

### **Summary**

The Applicant has made a genuine effort to respond to the Examiner's objections and rejections in advancing the prosecution of this case. The Applicant believes that all formal and substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested.

No additional fee is believed to be due as the result of the filing of this paper. However, any additional fees or credits should be applied to Deposit Account 06-1510 (Ford Global Technologies, Inc.). A duplicate copy of this paper is enclosed for that purpose.

Respectfully submitted,

DAVID LEFKOWITH

John S. Le Roy

Reg. No. 48,158

Attorney for Applicant

Date: <u>January 12, 2005</u>

**BROOKS KUSHMAN P.C.** 

1000 Town Center, 22nd Floor Southfield, MI 48075-1238

Phone: 248-358-4400

Fax: 248-358-3351